

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: DOMESTIC DRYWALL
ANTITRUST LITIGATION**

**MDL No. 2437
13-MD-2437**

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

AMENDED PRETRIAL ORDER NO. 5 – DISCOVERY ISSUES

AND NOW, this 28th day of October, 2013, the Court held a pretrial conference on October 24, 2013. The transcript will show the full discussion of various discovery issues. The Court appreciates counsel meeting and conferring frequently and reaching resolution on most discovery issues in this case. The following will confirm the dates set and some rulings by the Court:

1. Plaintiffs will “substantially” complete document production by December 15, 2013 and defendants by January 15, 2014.
2. The beginning date for documents to be produced by all parties will be January 1, 2010 and the end date will be January 30, 2013.
3. The Court overruled the defendants’ objection to producing “transaction” data, generally consisting of transactions between the defendants and their customers, including prices, “job quotes,” sales, purchase orders, and similar transactions.
4. The Court sua sponte brought up the issue of cost shifting as to transaction data and although, referencing this Court’s previous opinion in *Boeynaems v. L.A. Fitness*, 285 FRD 331 (EDPA 2012), did not make any ruling on the issue, pending further discussions between counsel.

5. Counsel have indicated that they will make their best efforts to complete fact discovery by September 15, 2014.

6. The Court set February 15, 2014 as the deadline for any motions relating to the initial exchange of documents.

7. The Court deferred any decision on this dispute between plaintiffs and two defendants as to their “custodians” whose records will be produced, pending further discovery and discussions among counsel.

8. The next pretrial conference will take place on November 21, 2013 at 10:00 a.m. Letter briefs from liaison counsel shall be submitted by November 18, 2013.

BY THE COURT:

/s/ Lawrence F. Stengel, for

MICHAEL M. BAYLSON, U.S.D.J.